

FIFTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)

SENATE

S. NO. 367

Introduced by Senator Antonio "Sonny" F. Trillanes IV

EXPLANATORY NOTE

This bill seeks to promote Agritourism in the country which combines the elements of tourism and agriculture industry to help improve farm income. Agritourism is done when a working farm, ranch, winery, or any agricultural operation is opened to the public to visit for their enjoyment, outdoor recreation, activities, education, shopping, dining or lodging.

Agritourism has been adopted by a number of States in America which provided additional opportunities for farmers, farm owners, and producers, to generate additional income. It also helped increase employment opportunities in the community as well as the revenue of their local government. Further, it provides a venue for affordable and easily accessible family outings.

This proposed measure gives tax credits to registered agritourism activities to help offset the expenses of venturing into agritourism. Also, it seeks to provide technical assistance to farmers who wish to enter the agritourism business.

In view of the foregoing, immediate approval of this measure is earnestly sought.


ANTONIO "SONNY" F. TRILLANES IV
Senator

Introduced by Senator Antonio "Sonny" F. Trillanes IV

AN ACT
TO PROMOTE AGRITOURISM IN THE PHILIPPINES AND FOR OTHER
PURPOSES

*Be it enacted by the Senate and the House of Representatives of the Philippines in
Congress assembled.*

1 **Section 1. Short Title.** - This Act shall be known as the "Agritourism Promotion
2 Act of 2010"

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4 **Sec. 2. Definition of Terms.** - As used in this section, the term -

5 (1) "Agritourism activity" means any activity carried out on a farm or ranch
6 or in a forest that allows members of the general public, for recreational, entertainment,
7 or educational purposes, to view or enjoy rural activities, including farming, ranching,
8 historical, cultural, harvest-your-own, or nature-based activities and attractions. An
9 activity is an agritourism activity whether or not the participant paid to participate in the
10 activity.

11 (2) "Agritourism professional" means any person who is engaged in the
12 business of providing one or more agritourism activities, whether or not for
13 compensation.

14 (3) "Farm" means the land, buildings, support facilities, machinery, and other
15 appurtenances used in the production of farm or aquaculture products, including land
16 used to display plants, animals, farm products, or farm equipment to the public.

17 (4) "Inherent risks of agritourism activity" those dangers or conditions that are
18 an integral part of an agritourism activity including certain hazards, including surface and
19 subsurface conditions, natural conditions of land, vegetation, and waters, the behavior of

1 wild or domestic animals, and ordinary dangers of structures or equipment ordinarily
2 used in farming and ranching operations. Inherent risks of agritourism activity also
3 include the potential of a participant to act in a negligent manner that may contribute to
4 injury to the participant or others, including failing to follow instructions given by the
5 agritourism professional or failing to exercise reasonable caution while engaging in the
6 agritourism activity.

7 (5) "Participant" any person, other than the agritourism professional, who
8 engages in an agritourism activity.

9 (6) "Person" an individual, fiduciary, firm, association, partnership, limited
10 liability company, corporation, unit of government, or any other group acting as a unit.

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12 **Sec. 3. *Provision of Assistance.*** The Department of Agriculture and the
13 Department of Trade and Industry may provide marketing advice, technical expertise,
14 promotional support, and product development related to agritourism to assist the
15 following in their agritourism initiatives: Department of Tourism; convention and visitor
16 bureaus; tourist development councils; economic development organizations; and local
17 governments. In carrying out this responsibility, both departments shall focus its
18 agritourism efforts on rural and urban communities.

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20 **Sec. 4. *Impact of agritourism in land classification.* –**

21 (1) In order to promote and perpetuate agriculture throughout the state, farm
22 operations are encouraged to engage in agritourism. The conduct of agritourism activity
23 on a bona fide farm or on agricultural lands classified as such shall not limit, restrict, or
24 divest the land of that classification.

25 (2) Local governments and agricultural representatives shall meet for the
26 purpose of discussing the benefits of agritourism to local economies and opportunities for
27 cooperation, conflict resolution, regulatory streamlining, and incentives.

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29 **Sec. 5. *Registration of Agritourism Operations.* –** The act creates a voluntary
30 registration process of agritourism operations in the Philippines to be kept by the
31 Department of Agriculture.

32 The registration must include a description of the agritourism activity/activities
33 conducted and the location of the agritourism operation.

34 There is NO fee for registration and the list will be made available to the public
35 by the Department of Agriculture.

1 All registered operations will be promoted by the Department of Agriculture and
2 the Department of Tourism in conjunction with all other tourism and rural development
3 promotions.

4 Registration is valid for five years.
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6 **Sec. 6. *Liability of Agritourism Professional.***

7 (1) Except as provided in subsection (2) of this section, an agritourism
8 professional is not liable for injury to or death of a participant resulting from the inherent
9 risks of agritourism activities, so long as the warning contained in Section 8 is posted as
10 required and, except as provided in subsection (2) of this section, no participant or
11 participant's representative can maintain an action against or recover from an agritourism
12 professional for injury, loss, damage, or death of the participant resulting exclusively
13 from any of the inherent risks of agritourism activities. In any action for damages against
14 an agritourism professional for agritourism activity, the agritourism professional must
15 plead the affirmative defense of assumption of the risk of agritourism activity by the
16 participant.

17 (2) Nothing in subsection (1) of this section prevents or limits the liability of
18 an agritourism professional if the agritourism professional does any one or more of the
19 following:

20 (a) Commits an act or omission that constitutes negligence or willful or
21 wanton disregard for the safety of the participant, and that act or
22 omission proximately causes injury, damage, or death to the
23 participant.

24 (b) Has actual knowledge or reasonably should have known of a
25 dangerous condition on the land, facilities, or equipment used in the
26 activity or the dangerous propensity of a particular animal used in such
27 activity and does not make the danger known to the participant, and
28 the danger proximately causes injury, damage, or death to the
29 participant.

30 (3) Any limitation on legal liability afforded by this section to an agritourism
31 professional is in addition to any other limitations of legal liability otherwise provided by
32 law.
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1 If the tax credit exceeds the total amount of income taxes owed for that year, the
2 difference can be rolled over to the next tax year.

3 This tax credit is available for the first five tax years commencing after they open
4 their agritourism operation.

5 The limited liability is afforded to agritourism operations that charge for their
6 activities and those that do not charge for their activities, so long as the signage is in
7 place.

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9 **Sec. 9. *Injury to Trespassers on Agricultural Land.*** – A person or organization
10 owning, controlling, or possessing an interest in agricultural real property, or an agent of
11 such person or organization, shall not be held liable for negligence related to such
12 property that results in the death of, injury to, or damage to a person who has engaged or
13 is engaging in conduct on the property that is unlawful under either Section 11 or Section
14 12 or unlawful trespassing by such person incident to such conduct on the property.

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16 **Sec. 10. *Posting of Signs on Agricultural Lands.*** –

17 (1) Signs are placed not more than 500 feet apart along, and at each corner of,
18 the boundaries of the land, upon which signs there appears prominently, in letters of not
19 less than 2 inches in height, the words “No Trespassing” and in addition thereto the name
20 of the owner, lessee, or occupant of said land. Said signs shall be placed along the
21 boundary line of posted land in a manner and in such position as to be clearly noticeable
22 from outside the boundary line; or

23 (2) Conspicuous no trespassing notice is painted on trees or posts on the
24 property, provided that the notice is:

- 25 (a) Painted in an international orange color and displaying the stenciled
26 words “No Trespassing” in letters no less than 2 inches high and 1 inch
27 wide either vertically or horizontally;
- 28 (b) Placed so that the bottom of the painted notice is not less than 3 feet
29 from the ground or more than 5 feet from the ground; and
- 30 (c) Placed at locations that are readily visible to any person approaching the
31 property and no more than 500 feet apart on agricultural land.

32 Upon enactment of this bill, when a landowner uses the painted no trespassing
33 posting to identify a “no trespassing” area, those painted notices shall be accompanied by
34 signs complying with subparagraph 1. and placed conspicuously at all places where entry
35 to the property is normally expected or known to occur.

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Sec. 11. Removing of Notices on Agricultural Lands. – It is unlawful for any person to willfully remove, destroy, mutilate, or commit any act designed to remove, mutilate, or reduce the legibility or effectiveness of any posted notice placed by the owner, tenant, lessee, or occupant of legally enclosed or legally posted land pursuant to any law of the Philippines for the purpose of legally enclosing the same.

Any person violating the provisions of this section shall be guilty of a misdemeanor.

Sec. 12. Separability Clause. – If any provision or part thereof, is held invalid or unconstitutional, the remainder of the law or the provision not otherwise affected shall remain valid and subsisting.

Sec. 13. Repealing Clause. – Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to, or inconsistent with the provisions of this Act is hereby repealed, modified or amended accordingly.

Sec. 14. Effectivity Clause. – This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved,